IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.556 of 2004

Ragula Veera Reddy.....Petitioner

Versus

University of Mumbai & Ors....Respondents

Mr. Mihir Desai, for the Petitioner
Mr. A.G. Kothari for Respondent Nos. 2 and 3.
Mr. M.D. Naik, AGP for Respondent Nos. 4 and 5.

CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.
DATE : 19th April,2005

. Rule Heard forthwith.

2. The petitioner has approached this Court in view of the communication dated 11th June, 2003 by the management forwarding the recommendations of the Grievance Committee.

3. The case of the petitioner is that by letter of 4th July, 2000 he was appointed to the full time post of Principal on the pay scale of Rs.3700-5,700/-. The appointment was temporary as the petitioner was not possessing requisite qualification. As of 4th July, 2000 the recommendations of the 5th Pay Commission had already come into force. If they had not come into force yet the Universities have made applicable the recommendations of the 5th Pay Commission to the employees of the University/affiliated Colleges.

4. The case of the petitioner is that though he is entitled to the higher pay scale in terms of the 5th Pay Commission he has not been paid the scale for the period for which he was in service from 4-7-2000 to 30th May, 2002.

5. The contention of the management is that the petitioner did not have the qualifications and in these circumstances could not have been paid the salary.

6. The real issue which will have to be decided is whether the petitioner though appointed to the post of Principal can be denied pay scale to the post of Principal. This can only be done in the event there are any Rules or Regulations in force so provided and further if there be any other pay scale for a Principal who does not possess the necessary qualifications. These aspects of the matter appears not to have been gone into by the Grievance Committee. The law is now settled that in so far as the post is concerned once a person is appointed to the post he must be paid salary of the post unless there are provisions providing for another pay scale to a person who does not have qualifications. In the light of what is set out above we direct the Grievance Committee to reconsider the case of the petitioner within a period of four months from today. Rule made absolute accordingly. No order as to costs.

7. It is the contention of the petitioner that he has the qualifications which is being disputed by the management. This aspect of the matter also be gone into by the Grievance Committee.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)